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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,364	04/12/2001	Tadamasa Kitsukawa	080398.P159C	6493

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EXAMINER	
TRAN, HAI V	
ART UNIT	**PAPER NUMBER**
2623	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/834,364	KITSUKAWA ET AL.	
	Examiner	Art Unit	
	Hai Tran	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-61 is/are pending in the application.

4a) Of the above claim(s) 1-20,25-28,34-35,39,44,47-48,50-52,54-57 is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 21-24,29-33,36-38,40-43,45,46,49,52,53 and 58-61 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments, dated12/26/2006 , with respect to claims 21-24,29-33, 36-38, 40-43, 45-46, 49, 52-53 and 58-61 have been considered but are moot in view of the new ground(s) of rejection.

Terminal Disclaimer

The terminal disclaimer filed on 12/26/2006 disclaiming the terminal portion of any patent granted on this application has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 21-24, 29-33, 36-38, 40-43, 45-46, 49, 52-53, and 58-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reimer (US et al. US 5715400) in view of Holman (US 5285278) and further in view of Shoff et al. (US 6240555).

Claims 21, Reimer discloses a method comprising:

Receiving adverting information for a plurality of items along with a broadcast of a program (Col. 4, lines 12-25), wherein the plurality of items are used within the scene (Col. 24, lines 10-18);

Displaying a list of the plurality of items (Col. 24, lines 10-18);

Displaying the received advertising information on the display upon selection of at least one of the plurality of items from the list by the viewer (Col. 24, lines 18-25);

Reimer does not clearly disclose "Storing the displayed advertising information upon selection by the viewer"

Holman (Col. 5, lines 18-22) discloses storing the displayed advertising information upon selection of a viewer for the benefit of later retrieving the selected information. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reimer for storing the selected information, as taught by Holman, so the user able to later retrieve it.

Reimer in view of Holman does not disclose a single advertising mark for the plurality of items on a display along with a scene of the broadcasted program.

Shoff discloses a single advertisement mark (Fig. 8a, icon 204) to inform user that current displaying program is interactive along with supplement content associated with the content program (Col. 9, lines 40-Col. 10, lines 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reimer in view of Holman of having a

displayed indicator, as taught by Shoff, so to indicate to user that current video content on the display has additional interactive supplement contents that may be interested. Moreover, for providing to user an alternative way or option to retrieve supplemental content, i.e., ads, within a scene.

Claim 22 and 46, Reimer in view of Holman and Shoff further discloses "further comprising storing advertising information for the or each selected item for a specified period of time after the broadcasted ends" reads on Shoff downloaded Web pages that are temporally stored in the buffer/memory are removed from the buffer/memory once the broadcast program ends and replaced with new advertising information associated with new broadcast program.

However, if Applicant disagrees with the Examiner assertion, then Holman (col. 12. lines 21-29) teaches the claimed limitation for the obvious reason due to the limited storage of the storage media.

Claim 23, Reimer in view of Holman and Shoff further discloses storing the displayed advertising information on a smart card (Holman; Col. 12, lines21-29) upon selection of a viewer (Holman; Col. 5, lines 18-22) for the benefit of having selected advertisement to store on a smart card, as taught by Holman so to take the advantage of the portability of storage media.

Claims 24, 38 and 53, Holman further disclose storing information on the smart card regarding an associated broadcast of a program in association with the displayed advertising information (Col. 9, lines 59-64).

Claims 31, and 43, Reimer in view of Holman (Col. 5, lines 33-40) and Shoff further comprising recalling the stored displayed advertising information and displaying it at a time that is different from a display time of a scene in which an advertised item appears.

Claims 29 and 41, Reimer in view of Holman and Shoff (Fig. 8a; el. 204) further discloses wherein the displayed single advertising mark is superimposed over a broadcast of a program on the display.

Claims 30 and 42, Reimer in view of Holman and Shoff (Col. 9, lines 38-40) wherein the displayed single advertising mark (Fig. 8a, el. 204) comprises an indicator of the plurality of items in the displayed scene.

Claims 32 and 49, Reimer in view of Holman and Shoff (see Fig. 8b which shows various advertising information, i.e., soft button 218-220, Col. 11, lines 25-47) further discloses wherein displaying the advertising information comprises displaying the advertising information on a portion of the display along with the broadcast of a program.

Claim 33, Reimer (Col. 24, lines 45-65+) in view of Holman and Shoff further discloses receiving a request from the viewer for electronically ordering the item using the advertising information.

Claim 36 is analyzed with respect to method claim 21 in which Reimer (user device 106 is a computer/STB; Col. 8, lines 17-27) in view of Holman and Shoff (Fig. 5) clearly discloses various computer-readable medium having encoded thereon computer instructions to perform the method as claimed in claim 21.

Claim 37 is analyzed with respect to method claim 22 in which Reimer (user device 106 is a computer/STB; Col. 8, lines 17-27) in view of Holman and Shoff (Fig. 5) clearly discloses computer instructions when executed by a computer to perform the method as claimed in claim 22.

Claim 40, Reimer in view of Holman and Shoff (Fig. 8A, el. 204) clearly discloses wherein the displayed advertising mark comprises an indicator (icon 204) for a plurality of items for which advertising information is available, and wherein the indicator is representative of the item to which the indicator corresponds.

Claim 45, as analyzed with respect to method claim 21, Reimer (user device 106 is a computer/STB; Col. 8, lines 17-27) in view of Holman and Shoff (Fig. 5) clearly discloses an apparatus (PC/STB) comprising:

Means (Shoff, el. 98) for receiving adverting information for a plurality of items along with a broadcast of a program (Col. 13, lines 18-25);

Means (Shoff; Fig. 8a) for displaying a single advertising mark for the plurality of items on a display along with a scene of the broadcasted program (reads on displaying el. 204 of Fig. 8A);

Means (Shoff; Fig. 8b) for displaying a list of the plurality of items upon selection of the single advertising mark by a viewer;

Means (Shoff, Fig. 8c) for displaying the received advertising information on the display upon selection of at least one of the plurality of items from the list by the viewer (for example the user selects one of the items, i.e. 218, 219, from Fig. 8C. The system inherently provides a corresponding information of the item selected; see Col. 11, lines 25-45); and

As to "means for Storing the displayed advertising information upon selection by the viewer", this limitation is further met by Holman (Col. 5, lines 18-22) discloses means for storing (internal memory of unit 1; see Fig. 3) the displayed advertising information upon selection of a viewer for the benefit of later retrieving the selected information.

Claim 52, as analyzed with respect to method claim 21 in which Reimer (user device 106 is a computer/STB; Col. 8, lines 17-27) in view of Holman and Shoff (Fig. 5) clearly discloses various computer-readable medium encoded with software for performing the method as claimed.

Claims 58-61, Reimer in view of Holman and Shoff further discloses wherein the single advertisement mark is enable if the user has selected a stored advertisement mode (reads on Shoff by activating the interactive mode of el. 204 of Fig. 8A), the advertising mark having been stored before being displayed in the stored advertisement mode, and wherein the single advertising mark is disable if the user has selected a non-advertising mode (reads on do not activate the interactive mode of el. 204 of Fig. 8A, see Col. 9, lines 40-60).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HT:ht

HAI TRAN
PRIMARY EXAMINER